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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,954	08/08/2001	Shell S. Simpson	1008230-1	2018

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EXAMINER

BLACKWELL, JAMES H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/923,954	Applicant(s) SIMPSON ET AL.	
	Examiner James H. Blackwell	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an amendment filed 08/07/2006.
2. The priority date is **08/08/2001**.
3. Claims 1-5, 8-12, 14, and 15 remain pending.
4. Claims 1, and 14-15 are independent claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 8-12, and 14-15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Nehab et al. (hereinafter Nehab, U.S. Patent No. 6,029,182 filed 10/04/1996, issued 02/22/2000) in view of Archibald (U.S. Patent No. 5,459,826 filed 05/25/1990, issued 10/17/1995).

In regard to independent Claim 1 (and similarly independent Claims 14, and 15), Nehab discloses WebFormatter, which is a system for processing a hypermedia document.

Nehab continues by disclosing the limitation of *receiving a request for a single composition, the composition being a file to include references for accessing a plurality of graphics, each graphic accessible from one of a plurality of different sources* in that

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the system accesses the hypermedia document, extracts addresses from the hypermedia document, and stores the addresses extracted from the hypermedia document in a container (Col. 12, lines 64-67; Col. 13, lines 1-3). Nehab's invention contains the components (references) to the composition in a container that is then further processed by the system to retrieve data stored at the addresses in the container to a memory, and extracts predetermined data from the downloaded data in accordance with predetermined configuration information (Col. 13, lines 3-11). This compares with the limitation, *obtaining, for each of the plurality of different sources, a reference to the graphic accessible from that source.*

Nehab also discloses the limitations where *the request including data reflective of information supplied by a user through a user interface: processing the data to identify the plurality of different sources* (Fig. 5A; personal news profile contains a variety of user input that instructs the system how to create the customized newspaper; the profile is processed when the newspaper components are extracted and compiled into a composition which is the newspaper).

Nehab continues by disclosing that extracted data is reformatted into a formatted document. The formatted document can then be printed, stored in an RTF (Rich Text Format) file, or edited in any RTF compatible editor such as MS Word®, WordPerfect®, Wordpad®, etc. (Col. 13, lines 22-30). Thus, Nehab discloses *creating the single composition that includes each reference and information for positioning each referenced graphic on a sequence of pages generated by processing the composition.*

Nehab fails in this embodiment to disclose positioning information for each graphic. However, in a first embodiment discussed by Nehab is taught a similar system which does allow the user, within the context of profiling information, to define formatting information for the document associated with each URL reference (see Figs. 9A-C, where for a given URL, layout and formatting information is defined by the user). However, Archibald discloses a method and system for locally organizing and laying out text and pictorial material for a page to be printed at a remote facility using a layout template having a fixed grid pattern, and plural layout elements which are organized across the grid pattern corresponding to the page to be printed. Each element contains an area for text or pictorial material. A predetermined code is assigned to each layout element, with regard to whether the element contains text, photographs, or both. A predetermined code is assigned to each layout element and represents the area (position) of the element with respect to the grid pattern of the template. A representation of the organized layout elements is generated and transmitted to the remote facility, where the pictorial and text elements are correlated and merged together to provide an output data stream representative of the page to be printed (Abstract). Thus, Archibald discloses a composition containing references to text and graphics and also expresses positional information about each layout item (text, graphics). The composition file is then transmitted and assembled.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Nehab and Archibald as both inventions relate

to content layout. Adding the disclosure of Archibald provides the benefit of defining where graphics and text objects are to be positioned in a composition.

In regard to dependent Claim 2, Nehab *discloses the obtaining step comprises obtaining a reference to a graphic accessible from a different web site* in that container contents screen (87) provides four buttons; i.e., Add current URL button (88) which adds the current URL to container (76), Delete button (89) which permits a user to highlight and delete a URL in container (76), Empty button (90) which permits a user to empty container (76), and Done button (91) which permits a user to close Container Contents screen (87) (Col. 16, lines 4-12).

In regard to dependent Claim 3, Nehab does not specifically disclose that *at least one graphic is generated dynamically at the different web site, when the web site is accessed*. However, it would have been obvious to one of ordinary skill in the art at the time of invention to assume that any one or more of the URL's specified in Nehab's Container Contents screen (87) (shown in Fig. 9B) could have pointed to a web site whose pages were generated dynamically either in part or as a whole since Nehab's invention specifically deals with the generation of a personalized newspaper; the content of news sources is commonly dynamic just as news itself is dynamic. The benefit would have been to provide the latest information to the user.

In regard to dependent Claim 4, Nehab discloses that *each of a plurality of the different sources are on different web sites from said assembling web site* in that a data retrieval system which can retrieve articles from a news service, from a magazine service, or from a combination of both services which are located on the World Wide

Web, a private computer network that supports hypermedia links, or any other hypermedia-linked computer system is taught (Col. 1, lines 13-19).

In regard to dependent Claim 5, Nehab discloses *the obtaining step comprises accessing at least two different web sites and retrieving information therefrom* in that a data retrieval system which can retrieve articles from a news service, from a magazine service, or from a combination of both services which are located on the World Wide Web, a private computer network that supports hypermedia links, or any other hypermedia-linked computer system is taught (Col. 1, lines 13-19).

In regard to dependent Claim 8, Nehab discloses that *the single composition designates a referenced graphic a position that is different relative to that of another referenced graphic* in that Figs. 4 and 5 the process by which personal-news-profile (19) is defined. To create personal-news-profile (19), personal-news-profile editor (16) communicates with personal-news-profile (19), site profile (20), and Web reader (34). Personal-news-profile (19) contains information as to what sites to access for creating a personalized newspaper, what sections to retrieve from those sites, rules to be used to determine what data to extract from the sections and the articles therein, rules to determine how to exclude links, and newspaper format information (Col. 7, lines 23-34).

In regard to dependent Claim 9, Nehab discloses that *at least one of the sources is a file* in that in alternative embodiments of WebFormatter, a filename can also be entered into URL address field (44). For example, in these alternative embodiments, if a user wishes to format a hyper-linked manual into a book-like format, the user enters the filename into URL address field (44). Thereafter, WebFormatter

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proceeds through the file in the same manner as through specified Web pages in order to reformat the hyper-linked manual as desired (Col. 14, lines 36-42).

In regard to dependent Claim 10, Nehab discloses *the using step comprises serving the composition to an imaging client* in that WebFormatter is stand-alone utility software that can be used in conjunction with different Web browsers, such as Netscape, Mosaic and Internet Explorer. In short, WebFormatter extracts data from a Web page, strips out extemporaneous data from the extracted data, and reformats the data into a formatted document. The formatted document can then be printed, stored in an RTF (Rich Text Format) file, or edited in any RTF compatible editor, such as MS Word, WordPerfect, Wordpad, etc (Col. 13, lines 22-30).

In regard to dependent Claim 11, Nehab discloses that *the using step comprises printing the composition* in that the invention also provides a method for synthesizing all retrieved news articles and printing the synthesized news articles into a newspaper-type format in which each of the articles is arranged based on a user's predefined layout (Col. 1, lines 30-34).

In regard to dependent Claim 12, Nehab does not disclose that *the using step comprises sending the composition by email to a designated web site*. However, it would have been obvious to one of ordinary skill in the art at the time of invention to email the composition, just as one can email other documents, graphics, audio and video to a web site capable of handling email, allowing for the efficient transport of the contents of a composition to another web site for possible posting.

Response to Arguments

7. Applicant's arguments filed 08/07/2006 have been fully considered but they are not persuasive. Applicant argues that the prior art combination of Nehab and Archibald fail to disclose the limitations of:

receiving a request for a single composition, the composition being a file to include references for accessing a plurality of graphics, each graphic accessible from one of a plurality of different sources, the request including data reflective of information supplied by a user through a user interface; and

processing the data to identify the plurality of different sources.

The Examiner disagrees. Nehab discloses a method that allows a user to configure and have assembled and retrieved a customized electronic newspaper. As part of the customization of the newspaper, the user selects content from the Internet that they wish to have included in their customized newspaper. A profile "file" is then established to contain the various content, which could be web pages, or portions thereof. It is well known that web pages can contain a variety of content such as images, video, audio, text, etc. Thus, one would expect the profile, as Nehab allows, enabling a user to include references (e.g., URLs, usually external or on other servers) in their profile along with additional instructions (rules) on how to obtain the content (e.g., what portion of a given page to extract). Once the user has completed their profile "file", it is used to request such content from the servers referenced in the profile according to rules associated with the references. Thus, Nehab's invention provides a

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request for a customized newspaper (composition) based on user input from a user interface (input of references to content and rules on how to obtain the content).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell
10/12/2006

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PRIMARY EXAMINER